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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

APR 28 2008 *aw*
APR 29 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Timothy Frazier
Nakia L. Coleman

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

08CV2446
JUDGE KENDALL
MAG. JUDGE BROWN

vs.

Case No: _____
(To be supplied by the Clerk of this Court)

Eric Wilson, Warden
Tony Mc Waters, Dept. Head
Mr. Sowell, I.S.O.
Mrs. Smith, I.S.O.

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐ **COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE**
28 SECTION 1331 U.S. Code (federal defendants)

☐ **OTHER** (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

I. Plaintiff(s):

- A. Name: Timothy Frazier
- B. List all aliases: _____
- C. Prisoner identification number: 09220-027
- D. Place of present confinement: Metropolitan Correctional Center
- E. Address: 71 W. Van Buren St. Chicago, IL 60605

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Eric Wilson
 Title: Warden
 Place of Employment: Metropolitan Correctional Center
- B. Defendant: Tony Mc Waters
 Title: Department Head
 Place of Employment: Metropolitan Correctional Center
- C. Defendant: Mr. Sowell
 Title: I. S. O. officer
 Place of Employment: Metropolitan Correctional Center

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES (☒) NO () If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES (☒) NO ()

C. If your answer is YES:

1. What steps did you take?

I have filed an Inmate Request to Staff
to the Administration to attempt to
resolve this issue.

2. What was the result?

Several meetings were called by staff
in an effort to resolve the matter,
but all efforts failed.

3. If the grievance was not resolved to your satisfaction, did you appeal? What was the result (if there was no procedure for appeal, so state.)

Yes, I appealed the issue up to the
Department Head level.

D. If your answer is NO, explain why not:

E. Is the grievance procedure now completed? YES (✓) NO ()

F. If there is no grievance procedure in the institution, did you complain to authorities?
YES () NO ()

G. If your answer is YES:

1. What steps did you take?

Many meetings were
arranged by staff to resolve my
issue.

2. What was the result?

The photos were never
recovered, and the issue never was
resolved.

H. If your answer is NO, explain why not:

IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court (including the Central and Southern Districts of Illinois):

- A. Name of case and docket number: _____

- B. Approximate date of filing lawsuit: _____
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____

- D. List all defendants: _____

- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): _____
- F. Name of judge to whom case was assigned: _____

- G. Basic claim made: _____

- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): _____

- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

V. Statement of Claim:

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On approximately February 28th, 2008 Nakia L. Coleman-Frazier mailed a letter to me through the United States mail service, by first class mail, the envelope was properly addressed, and proper postage stamps were affixed. This letter contained six (6) personal photos of herself. The photos were of her wearing only underwear, and two (2) of these photos were of her topless and only wearing black underwear "panties" with high heels on. She covered the pictures of herself topless, up with stickers to make sure I could receive them. The other photos were of her posing with her bra and panties on. There was two (2) pictures with her in blue and one with her in orange and red loungere, and one photo of herself in leperad material. I spoke with my fiance (Nakia) a few days after she had mailed me the photos, which also contained a letter

Addressed to me enclosed, and she confirmed that the envelope had been placed in the mail and verified to me what the contents of the letter was. Approximately one week later, I had not yet received the envelope through the institutional mail department. Therefore, I phoned my fiancée to inform her that I had not yet received this envelope, this call was made on approximately the 3rd or 4th of March 2008. I filed an Inmate Request To Staff form on March 6th, 2008 addressed to Warden Eric Wilson, asking that he order an investigation into why I had not received my mail containing the personal photos of my fiancée. (see Exhibit #A-01, Inmate Request Form) With in approximately a week later I was called to the office in unit #23, and when I arrived a phone call was awaiting me. On the phone was an unidentified female employee, who began asking me questions about my mail. She stated that there was a letter that she had come across that belonged to me. She also stated that she had not been working for

the last week, and that she was trying to sort out old mail that had not been passed out. She continued to say that she had seen an envelope that there was pictures enclosed, but she had only seen one photo of a young lady and a little girl (age 2 years old), and she asked me if I knew her. I answered her... yes because I have a niece that is around her age with the same name (Jalyn). I only said yes because I had assumed ~~that~~ that my fiancée sent me a picture of my niece. Upon speaking with my fiancée by phone, she told me that she only sent me pictures of her, and I then knew that the picture that the unidentified female staff member had spoke about, did not belong to me. Approximately another week had gone by without hearing anything from the administration of Metropolitan Correctional Center. However, on Monday, March 17th 2008 I was called to go down to Receiving and Discharge "R. & D" on the 5th floor, and I talked with Mr. Sowell and Tony Mc Waters about my missing mail, it's enclosed letter and the missing six (6) photos.

They informed me that they did not have any clue as to what had happened to my photos, however they had found the letter without the photos and gave me the letter without the photos. They admitted that there was a possibility of staff members having given the photos to another inmate. They explained that the machine that opens the mail before they check it for contraband, that it was possible that the photos had fallen out of the envelope. It was also said that sometimes when it's more than one envelope being passed through the machine that it's possible the photos could have fallen into someone else's envelope or mail. I was called back down to R.#D. on March 22nd 2008 to show the staff another photo of my fiancée in an effort to jar the memory of one of the workers, to see if they recognized her, and could remember what might of happen to the photos. These are very personal photos of my fiancée that has caused great emotional, mental and physical damage to me and Nakia. Our fear is that these photos may end up on the internet, or may be in use by another inmate.

The administration of M.C.C., the warden and the department heads of the mail-room has been reckless in their handling of my personal mail. The manner in which mail is processed and opened, has caused this to occur. The reality is, my very personal photos are somewhere in the hands of another inmate, or in the hands of a staff member who has chose to take them home. What we do know is that this occurred due to the negligence of the employees of M.C.C. and while I may never get the photos back, I do however, want to hold this administration accountable for their carelessness and ask the court to send a message to them by awarding us two million dollars in damages. Holding these staff members responsible in their official and individual capacities.

VI. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I ask the court to AWARD me \$2,000,000.00
"two million dollars" in punitive and com-
pensary damages, for the pain and suf-
fering that I have had to go through as
a direct result of the circumstances
in this matter.

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 25th day of MARCH, 20 08

Timothy Frazier

(Signature of plaintiff or plaintiffs)

Timothy Frazier

(Print name)

09220-027

(I.D. Number)

Metropolitan Correctional Center
71 West Van Buren Street
Chicago, Illinois 60605

(Address)

VI. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I ask the court to award me \$2,000,000.00
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fering that I have had to go through as
a direct result of the circumstances
in this matter.

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 25th day of MARCH, 20 08

X Nakia Coleman

(Signature of plaintiff or plaintiffs)

NAKIA L. COLEMAN

(Print name)

Not Incarcerated →

(I.D. Number)

2287 Pennsylvania Street

2287 Pennsylvania Street

2287 Pennsylvania Street

(Address)

GARY, Indiana 46407

Exhibit # A-01

Inmate Request Form

1 page

BP-S148.055 INMATE REQUEST TO STAFF CDFRM

SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) <i>Warden Eric Wilson</i>	DATE: <i>MARCH 6th, 2008</i>
FROM: <i>Timothy Frazier</i>	REGISTER NO.: <i>09220-027</i>
WORK ASSIGNMENT: <i>N/A</i>	UNIT: <i>23</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

The mailroom has mishandled my mail, and has lost six (6) photos. I have not received the letter that was enclosed, or even an explanation of what has happened to this envelope. On Thursday, March 6th 2008 at approximately 3:30pm, an unknown female staff member called unit 23, for me, and asked me if I knew a young child named John. I answered yes. However, only one photo was found. The others remain lost and unaccounted for. Therefore, I ask that you order an investigation into this matter. This is a very serious matter to me and my fiancé.

(Do not write below this line)

DISPOSITION:

Signature Staff Member

Date

Record Copy - File; Copy - Inmate
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86
and BP-S148.070 APR 94

